

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <small>(Only for nonprovisional applications under 37 CFR § 1.53(b))</small>		Attorney Docket No. <b>CROSS1560</b>													
First Inventor or Application Identifier <b>Steven A. Justiss, et al.</b>		Title <b>SYSTEM AND METHOD FOR MAINTAINING AND REPORTING A LOG OF MULTI-THREADED BACKUPS</b>													
Express Mail Label No. <b>EV351127595US</b>															
<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents.</small>		<b>Mail Stop Patent Application</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450													
<table border="0" style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;">1. <input checked="" type="checkbox"/> <b>Fee Transmittal for FY 2003</b> <small>(Submit an original and a duplicate for fee processing)</small></td><td style="width: 50%; vertical-align: top;">6. <input type="checkbox"/> <b>Microfiche Computer Program (Appendix)</b></td></tr><tr><td style="vertical-align: top;">2. <input checked="" type="checkbox"/> <b>Specification</b> [Total Pages] <b>24</b> <small>(preferred arrangement set forth below)</small> <input checked="" type="checkbox"/> Descriptive Title of the Invention <input type="checkbox"/> Cross References to Related Applications <input checked="" type="checkbox"/> Background of the Invention <input checked="" type="checkbox"/> Summary of the Invention <input checked="" type="checkbox"/> Brief Description of the Drawings (if filed) <input checked="" type="checkbox"/> Description of Preferred Embodiments <input type="checkbox"/> References <input checked="" type="checkbox"/> Claim(s) <input checked="" type="checkbox"/> Abstract of the Disclosure</td><td style="vertical-align: top;">7. <b>Nucleotide and Amino Acid Sequence Submission</b> <small>(if applicable, all necessary)</small> a. <input type="checkbox"/> Computer-Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies</td></tr><tr><td style="vertical-align: top;">3. <input checked="" type="checkbox"/> <b>Drawing(s)</b> (35 USC 113) [Total Sheets] <b>5</b></td><td colspan="2" style="vertical-align: top;"><b>ACCOMPANYING APPLICATION PARTS</b></td></tr><tr><td style="vertical-align: top;">4. <input checked="" type="checkbox"/> <b>Oath or Declaration</b> [Total Pages] a. <input checked="" type="checkbox"/> Unexecuted (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 17 completed)</small> i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)</td><td colspan="2" style="vertical-align: top;">8. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s)) 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small> 10. <input type="checkbox"/> English Translation Document (if applicable) 11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 12. <input type="checkbox"/> Preliminary Amendment 13. <input checked="" type="checkbox"/> Return Receipt Postcard 14. <input checked="" type="checkbox"/> Small Entity <input type="checkbox"/> Statement filed in prior application, Status still proper and desired 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small> 16. <input checked="" type="checkbox"/> Other: <b>Certificate of Mailing</b> <b>Check: \$444.00</b> <b>Request for Non-Publication</b></td></tr><tr><td style="vertical-align: top;">5. <input type="checkbox"/> <b>Incorporation By Reference</b> (useable if box 4b is checked). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</td><td colspan="2"></td></tr></table>			1. <input checked="" type="checkbox"/> <b>Fee Transmittal for FY 2003</b> <small>(Submit an original and a duplicate for fee processing)</small>	6. <input type="checkbox"/> <b>Microfiche Computer Program (Appendix)</b>	2. <input checked="" type="checkbox"/> <b>Specification</b> [Total Pages] <b>24</b> <small>(preferred arrangement set forth below)</small> <input checked="" type="checkbox"/> Descriptive Title of the Invention <input type="checkbox"/> Cross References to Related Applications <input checked="" type="checkbox"/> Background of the Invention <input checked="" type="checkbox"/> Summary of the Invention <input checked="" type="checkbox"/> Brief Description of the Drawings (if filed) <input checked="" type="checkbox"/> Description of Preferred Embodiments <input type="checkbox"/> References <input checked="" type="checkbox"/> Claim(s) <input checked="" type="checkbox"/> Abstract of the Disclosure	7. <b>Nucleotide and Amino Acid Sequence Submission</b> <small>(if applicable, all necessary)</small> a. <input type="checkbox"/> Computer-Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies	3. <input checked="" type="checkbox"/> <b>Drawing(s)</b> (35 USC 113) [Total Sheets] <b>5</b>	<b>ACCOMPANYING APPLICATION PARTS</b>		4. <input checked="" type="checkbox"/> <b>Oath or Declaration</b> [Total Pages] a. <input checked="" type="checkbox"/> Unexecuted (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 17 completed)</small> i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)	8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small> 10. <input type="checkbox"/> English Translation Document (if applicable) 11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 12. <input type="checkbox"/> Preliminary Amendment 13. <input checked="" type="checkbox"/> Return Receipt Postcard 14. <input checked="" type="checkbox"/> Small Entity <input type="checkbox"/> Statement filed in prior application, Status still proper and desired 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small> 16. <input checked="" type="checkbox"/> Other: <b>Certificate of Mailing</b> <b>Check: \$444.00</b> <b>Request for Non-Publication</b>		5. <input type="checkbox"/> <b>Incorporation By Reference</b> (useable if box 4b is checked). 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17. <b>If a CONTINUING APPLICATION</b> , check appropriate box and supply the requisite information below and in a preliminary amendment <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-In-Part (CIP) of prior Application No.: _____  <small>Prior application information: Examiner _____ Group / Art Unit _____</small>															
<input type="checkbox"/> Claims the benefit of Provisional Application No. _____															
<b>CORRESPONDENCE ADDRESS:</b>															
Gray Cary Ware & Freidenrich LLP 1221 South MoPac Expressway, Suite 400 Austin, TX 78746-6875 Tel. (512) 457-7016 Fax. (512) 457-7001		<b>Customer No. :</b>  <b>25094</b>													

TYPED or PRINTED NAME **Mark L. Berrier**REGISTRATION NO. **35,066**

SIGNATURE

DATE: **August 7, 2003**

**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

**Complete if Known**

Application Number	Unknown
Filing Date	August 7, 2003
First Named Inventor	Steven A. Justiss, et al.
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	CROSS1560

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 444.00**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ NoneDeposit  
Account  
Number

50-0456

Deposit  
Account  
Name

Gray Cary Ware &amp; Freidenrich LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge (fees) indicated below. ☐ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	375.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** 375.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
	23	-20** =	3	X	9	=	27.00
Independent Claims	4	-3** =	1	X	42.00	=	42.00
Multiple Dependent		X				=	0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 69.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**


Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 0.00**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Mark L. Berrier	Registration No. (Attorney/Agent)	35,066	Telephone	512-457-7016
Signature		Date	August 7, 2003		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

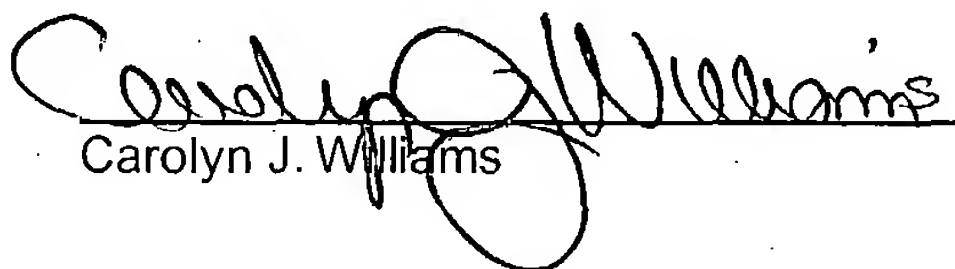
Gray Cary\AU\4111503.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
CERTIFICATE OF MAILING BY "EXPRESS MAIL"	Atty Docket No. (Optional) <b>CROSS1560</b>
<b>Mail Stop Patent Application</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450  Sir:	In the Application of: <b>Steven A. Justiss, et al.</b>
	Date Filed: <b>August 7, 2003</b>
	Title: <b>SYSTEM AND METHOD FOR MAINTAINING AND REPORTING A LOG OF MULTI-THREADED BACKUPS</b>

I hereby certify that the attached Utility Patent Application Transmittal Form, Fee Transmittal, Unexecuted Declaration and Power of Attorney, Utility Patent Application, five (5) pages of Drawings, Request for Non-Publication, \$444.00 Check and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. **EV351127595US**, on **August 7, 2003**, addressed to: **Mail Stop Patent Application**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**

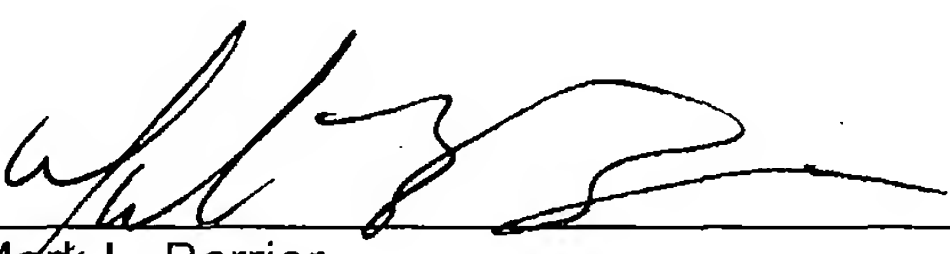
  
Carolyn J. Williams

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Steven A. Justiss, et al.
	Title	SYSTEM AND METHOD FOR MAINTAINING AND REPORTING A LOG OF MULTI-THREADED BACKUPS
	Atty. Docket:	CROSS1560

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 7, 2003

Date

  
Mark L. Berrier  
Reg. No. 35,066

This request must be signed in compliance with 37 C.F.R. 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 C.F.R. 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.